40852

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 17, 1998.

William J. Muszynski,

Deputy Regional Administrator, Region II.

For the reasons set out in the preamble, 40 CFR Part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p.351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B [Amended]

2. Table 2 of Appendix B to Part 300 is amended by removing the site, "Naval Security Group Activity, Sabana Seca, Puerto Rico."

[FR Doc. 98–26631 Filed 10–6–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6173–7]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of deletion of the Coshocton Landfill Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency announces the deletion of the Coshocton Landfill Superfund Site in Ohio from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. This action is being taken by EPA and the State of Ohio, because it has been determined that Responsible Parties have implemented all appropriate response actions required. Moreover, EPA and the State of Ohio have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: October 7, 1998.

FOR FURTHER INFORMATION CONTACT: Anthony Rutter at (312) 886–8961 (SR–6J), Remedial Project Manager or Gladys Beard at (312) 886–7253, Associate Remedial Project Manager, Superfund Division, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: Coshocton Public Library, 655 Main Street, Coshocton, Ohio 43182. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. The contact for the Regional Docket Office is Jan Pfundheller (H–7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Coshocton Landfill located in Coshocton, Ohio. A Notice of Intent to Delete for this site was published August 28, 1998 (63 FR 45781). The closing date for comments on the Notice of Intent to Delete was September 28, 1998. EPA received no comments and therefore no Responsiveness Summary was prepared.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous Waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 29, 1998.

David Ullrich,

Acting Regional Administrator, Region V.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B [Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the Site "Coshocton Landfill, Coshocton, Ohio."

[FR Doc. 98–26886 Filed 10–6–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 571 and 572

[Docket No. NHTSA–98–4503]

RIN 2127–AG39

Anthropomorphic Test Dummy; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final Rule.

SUMMARY: This document modifies the Hybrid III test dummy, which is specified by the agency for use in compliance testing under Standard No. *208, Occupant crash protection.* The agency is making minor modifications to the test dummy's clothing and shoes, and to the hole diameter in the femur flange in the pelvis bone flesh. The changes will facilitate compliance testing, while having no significant effect on Standard No. 208 test results.

DATES: This regulation is effective November 6, 1998. The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of November 6, 1998. Petitions for Reconsideration must be received by November 23, 1998.

ADDRESSES: Petitions should refer to the docket and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues: Mr. Stanley Backaitis, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-4912. Fax: (202) 366-4329.

For legal issues: Ms. Nicole H. Fradette, NCC-20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, D.C. 20590 (202-366-2992).

SUPPLEMENTARY INFORMATION:

I. Summary

In an August 7, 1997 Notice of Proposed Rulemaking (NPRM) , NHTSA proposed two modifications to the Hybrid III test dummy, which is specified by the agency for use in compliance testing under Standard No. *208, Occupant crash protection.1* First, the agency proposed to amend the specifications for the Hybrid III dummy's clothing and shoes to make the requirements consistent with compliance testing practices and to facilitate procurement of the dummy's shoes and clothing. Second, the agency proposed to specify a hole diameter in the pelvis bone flesh to facilitate femur flange (shank portion) insertion during its attachment to the pelvis bone. The NPRM also addressed a petition from General Motors (GM) to amend 49 CFR Part 572 to allow the use of an available lower lumbar spine load cell assembly in place of the standard Hybrid III lumbar adapter. The agency explained that an amendment was unnecessary because manufacturers could already use the lumbar spine load cell assembly at their discretion.

First Technology Safety Systems (FTSS), Mercedes-Benz, Chrysler, Mitsubishi, Ford, and General Motors (GM) submitted comments in response to the NPRM. Chrysler, Ford, and GM supported the proposed changes to the clothing specifications for the Hybrid III dummy; the other three commenters did not address the issue. All six commenters supported specifying a hole diameter in the pelvis flesh to facilitate femur flange insertion during its attachment to the pelvis bone, although they differed in a minor way over the specific dimension of the hole's diameter. With respect to GM's question of using a lower lumbar spine load cell in lieu of a lumbar adapter, Chrysler supported the agency's position that the use of a lower lumbar spine load cell assembly does not need agency approval.

After reviewing and analyzing the comments, NHTSA has concluded that the Hybrid III dummy specifications should be changed to incorporate the minor modifications proposed in the NPRM. The agency believes that the modifications will facilitate testing and will provide additional information from which a more realistic assessment of the effectiveness of occupant protection systems can be made, without affecting the dummy impact responses for either Standard No. 208 or New Car Assessment Program (NCAP) testing. A summary of the NPRM and the agency's response to the comments follows.

II. Summary of NPRM

A. Garments and Shoes

Both First Technology Safety Systems and the Motor Industry Research Association (MIRA of United Kingdom) contacted NHTSA about what they viewed as a conflict between the Hybrid III's specifications and the length of stretch pants actually used on the Hybrid III dummy in Standard No. 208 compliance testing. Although paragraph S8.1.8.1 and S8.1.8.2 specify the use of mid-calf length pants, all compliance testing laboratories and most development laboratories use above-the-knee length pants.2

In compliance tests, the pants are either cut off above the dummy knees or rolled up above the knees for two reasons. First, S10.5 of Standard No. 208 requires the legs to be positioned with a specified distance between the "outboard knee clevis flange surfaces." The pants must be rolled up above the knees for dummy positioning to measure this distance. Second, the dummy knees are often marked with chalk to determine where knee contact with the vehicle interior occurs during the test.3 Since the pants often ride up the dummy's legs during the crash event, chalking the dummy pants does not work well.

MIRA also informed NHTSA that the pants, undershirt, and shoes are no longer available from the supply sources referenced in the drawings of those items and that users were having difficulty finding such articles of clothing on the open market. MIRA asked NHTSA to clarify where such articles could be obtained and what specifications should be used to ensure that the correct items were procured. Other dummy users indicated similar procurement difficulties and expressed a preference to procure shoes and garments for the dummy on the open market under general product description guidelines rather than from one specific source.

NHTSA tentatively agreed with these observations, stating that many commercially available articles would serve the intended purposes. The agency, therefore, proposed amending Standard No. 208 to allow users to equip the Hybrid III dummies with commercially available shoes and cotton stretch light weight above-the-knee length pants and undershirt that fit general description guidelines rather than requiring them to obtain these items from a designated supplier. The agency noted, in the NPRM, that the proposed changes reflected what had become common procurement and use practice among manufacturers and NHTSA contractors who perform compliance tests.

B. Access Hole Diameter in the Pelvis Flesh

In response to a June 30, 1995 notice of proposed rulemaking (NPRM) (60 FR 34213, Docket 74-14, Notice 96), the American Automobile Manufacturers Association (AAMA) stated that the access holes in the pelvis flesh should be enlarged to facilitate the insertion of the femur flange (shank portion) for their attachment to the pelvis bone. The AAMA stated that although the holes are shown on the dummy drawing, the diameter of the holes had not been specified. The AAMA stated that the pelvis flesh could be damaged during insertion of the femur flange through the existing two inch diameter holes (as scaled from the drawing). The organization recommended enlarging the holes' diameter to 2 5/16 inches, a change that it believed would accommodate insertion of the femur flange without tearing the flesh material. AAMA stated that such a change would not significantly affect dummy kinematics or instrumentation readings.

In response to AAMA's comments, NHTSA proposed specifying the diameter of the hole in the pelvis flesh as 2 5/16 inches. The agency noted that the proposed change was consistent with a Society of Automotive Engineers (SAE) Task Force recommendation. The agency explained that the larger size would facilitate testing by making insertion of the femur shaft less cumbersome. By permitting easier slip-through of the section of the femur shaft containing the rubber bumper, the larger hole could prevent an occasional hang

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1 NHTSA decided to specify exclusive use of the Hybrid III dummy in a final rule published on November 8, 1993. (58 FR 59189) The specifications for the Hybrid III dummy appear in subpart E of 49 CFR part 572.

NHTSA also uses the Hybrid III dummy in its New Car Assessment Program (NCAP). This program involves testing new passenger cars and trucks by crashing them into a fixed collision barrier at 35 mph. That crash is five mph faster and 36 percent more severe than the crash test specified in Standard No. 208.

2 The use of mid-calf pants was a carry-over from the General Motors original specifications for the Hybrid III dummy.

3 This information, while not required by Standard No. 208, is helpful.

up of the urethane bumper's edge against the inner edge of the hole in the pelvis flesh. As a result, the flesh with the enlarged hole would be less susceptible to damage during the femur flange insertion process. The agency explained that it believed that the loads on the femur shaft would be the same irrespective of whether the hole was 2 inches in diameter or 2 5/16 inches in diameter because of a looser fit within as it compresses the pelvis flesh.

III. Agency Decision and Response to Comments

A. Garments and Shoes

Chrysler, Ford, and GM all supported the proposed changes to the Hybrid III dummy's clothing; the other three commenters did not address the issue. Commenters stated that specifying the use of cotton stretch light weight above the knee pants recognizes the common testing practice of the vehicle manufacturers and NHTSA contractors who perform compliance tests. Further, exposing the dummy's knees will allow chalk to be applied to the dummy's knees so that knee contact with the impacted vehicle surface can be determined. In addition, commenters stated that the proposed changes would facilitate procurement of appropriate dummy clothing and shoes. NHTSA is, therefore, amending Standard No. 208 to allow the users to equip the Hybrid III dummies with commercially available shoes and cotton stretch light weight above-the-knee length pants and undershirt that fit general description guidelines. Accordingly, NHTSA is removing drawings related to shoes and garments from the Hybrid III drawing set (78051-292, -293, -294, and -295) and incorporating appropriately worded modifications in § 571.208 S8.1.8.1 and S8.1.8.2 which describe the shoes and garments to be used on the Hybrid III dummy. NHTSA believes that this change will not affect the stringency of Standard No. 208's requirements or result in any cost differences for manufacturers.

B. Access Hole Diameter in the Pelvis Flesh

All six commenters supported specifying a larger hole diameter in the pelvis flesh. The commenters differed, however, with respect to the specific dimensions of the hole's diameter. Chrysler, Mercedes Benz and Mitsubishi supported the proposed 2 5/16 inch diameter hole stating that it would facilitate the insertion of the femur flange for its attachment to the pelvis bone and minimize the possibility of tearing the pelvis flesh. Ford and FTSS suggested enlarging the holes' diameter to 2 7/16 inches. In support of its comment, FTSS noted that pelvis flesh has been manufactured with diameter holes of 2 7/16 inches (2.44+/−.06) for many years. Consequently, FTSS stated that specifying a diameter of 2 7/16 inches would not require any retooling. GM recommended increasing the access hole to 2 1/2 inches in diameter so that it was consistent with the hole diameter of currently manufactured dummies. GM and Chrysler both stated that increasing the hole's diameter would not affect the dummy's performance.

The dimensional tolerance for the 2 7/16 inch diameter hole (2.44+/− 0.06) covers the 2 1/2 inch nominal specification proposed by GM. The agency concludes, therefore, that there is virtually no difference between GM's recommendation for a 2 1/2 inch diameter hole and the Ford and FTSS recommendations for a 2 7/16 inch diameter hole. The agency believes that GM's recommendation merely reflects the upper dimensional limit of the hole's diameter. The agency believes that enlarging the access hole diameter to 2 7/16 inches (2.44+/− 0.6) will greatly facilitate the test dummy's assembly and reduce the chances of tearing the pelvis flesh during insertion of the 3 inch diameter femur flange. Further, NHTSA does not believe that the commenters who supported enlarging the hole's diameter to 2 5/16 inches would object to a hole of a slightly larger diameter. The larger hole will ease dummy assembly and reduce the risk of tearing the pelvis flesh. In addition, it will not affect the dummy's impact performance. NHTSA is, therefore, specifying a diameter of 2 7/16 (2.44+/− 0.06) inches for the pelvis flesh hole of the Hybrid III dummy.

The agency notes that Mitsubishi requested that manufacturers and others be allowed to continue using test dummies that contain the current 2 inch diameter holes. The agency sees no need for dummy users to procure new pelvis assemblies with larger access holes if they are satisfied with the dummies they are using. Accordingly, the specification for larger size holes in the pelvis flesh applies to newly manufactured parts only and does not apply to those parts already in existence.

III. Effective Dates

The amendments are effective 30 days after publication of today's final rule. The agency is specifying such an early effective date because the modifications resulting from this final rule will only affect the drawings related to the dummy and will not affect compliance testing or certification.

IV. Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." NHTSA has analyzed this rule and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. The amendments do not require any vehicle design changes but instead only specify minor modifications in the test dummies used to evaluate a vehicle's compliance with Standard No. 208. The agency believes that the clothing and pelvis modifications will not affect the cost of new dummies. Therefore, the impacts of the amendments are so minimal that a full regulatory evaluation is not required.

Regulatory Flexibility Act

NHTSA has considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. § 60 1 et seq.). I hereby certify that the final rule will not have a significant economic impact on a substantial number of small entities.

The following is NHTSA's statement providing the factual basis for the certification (5 U.S.C. § 605(b)). The final rule primarily affects passenger car, light truck, and multipurpose passenger vehicle and dummy manufacturers. The Small Business Administration's size standards (13 CFR Part 121) are organized according to Standard Industrial Classification Codes (SIC). SIC Code 3711 "Motor Vehicles and Passenger Car Bodies" has a small business size standard of 1,000 employees or fewer. Dummy manufacturers are classified as small businesses with less than 500 employees.

This final rule applies to the previously described vehicle and dummy manufacturers regardless of size, NHTSA has stated that this final rule does not require any vehicle design changes. The final rule specifies minor changes in the test dummies used to evaluate a vehicle's compliance with Standard No. 208. The changes will not affect the cost of new dummies.

Paperwork Reduction Act

NHTSA has analyzed this rule under the Paperwork Reduction Act of 1995 (P.L. 104-13) and determined that it will not impose any information collection requirements as that term is

defined by the Office of Management and Budget (OMB) in 5 CFR part 1320.

The National Environmental Policy Act

NHTSA has also analyzed this rule under the National Environmental Policy Act and determined that it will have no significant impact on the human environment.

The Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (Public Law 104-4) requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually. However, the incremental manufacturer costs for this final rule are estimated to be zero.

Executive Order 12612 (Federalism)

The agency has analyzed this rule in accordance with the principles and criteria set forth in Executive Order 126 12. NHTSA has determined that this rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This rule has no retroactive effect. NHTSA is not aware of any state law that would be preempted by this rule. This rule does not repeal any existing Federal law or regulation. It modifies existing law only to the extent that it amends the agency's specification for the shoes, clothing, and pelvis flesh hole diameter of the Hybrid III test dummy. This rule does not require submission of a petition for reconsideration or the initiation of other administrative proceedings before a party may file suit in court.

List of Subjects

49 CFR Part 571

Motor vehicle safety, Reporting and recordkeeping requirements, tires.

49 CFR Part 572

Motor vehicle safety, Incorporation by reference.

In consideration of the foregoing, 49 CFR Parts 571 and 572 are amended as follows:

PART 571-[AMENDED]

1. The authority citation for Part 57 1 of Title 49 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 57 1.208 is amended by revising S8.1.8.2 to read as follows:

§ 571.208 Standard No. 208, Occupant crash protection.

* * * * *

S8.1.8.2 Each test dummy is clothed in a form fitting cotton stretch short sleeve shirt with above-the-elbow sleeves and above-the-knee length pants. The weight of the shirt or pants shall not exceed 0.25 pounds each. Each foot of the test dummy is equipped with a size 11XW shoe which meets the configuration size, sole, and heel thickness specifications of MIL-S 13 192 change "P" and whose weight is 1.25±0.2 pounds.

* * * * *

PART 572—[AMENDED]

3. The authority citation for Part 572 of Title 49 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30 166; delegation of authority at 49 CFR 1.50.

Subpart E-Hybrid III Test Dummy

4. Section 572.31 is amended by revising paragraphs (a) (1), (a) (3) and its table, and (a) (4), and by removing and reserving paragraph (b) to read as follows:

§ 572.31 General description.

(a) * * *

(1) The Anthropomorphic Test Dummy Parts List, dated June 26, 1998, and containing 16 pages, and a Parts List Index, dated June 26, 1998, containing 8 pages.

* * * * *

(3) A General Motors Drawing Package identified by GM Drawing No. 78051-218, revision U, titled "Hybrid III Anthropomorphic Test Dummy," dated August 30, 1998, the following component assemblies, and subordinate drawings:

Drawing No.	Revision
78051-61 X head assembly-complete, (May 20, 1978)	(T)
78051-90 neck assembly-complete, dated May 20, 1978	(A)
78051–89 upper torso assembly-complete, dated May 20, 1978	(K)
78051-70 lower torso assembly-complete, dated June 30, 1998, except for drawing No. 78051-55, "Instrumentation Assembly-Pelvic Accelerometer," dated August 2, 1979.	(F)
86–5001–001 leg assembly-complete (LH), dated March 26, 1996	(A)
86–5001–002 leg assembly-complete (RH), dated March 26, 1996	(A)
78051-I 23 arm assembly-complete (LH), dated May 20, 1996	(D)
78051-124 arm assembly-complete (RH), dated May 20, 1978	(D)
7805159 pelvic assembly-complete, dated June 30, 1998	(G)
78051-60 pelvic structure-molded, dated June 30, 1998	(E)

(4) Disassembly, Inspection, Assembly and Limbs Adjustment Procedures for the Hybrid III dummy, dated June 1998.

* * * * *

(b) [Reserved]

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5. Section 572.34 is amended by revising paragraph (b) to read as follows:

§ 572.34 Thorax.

* * * * *

(b) When impacted by a test probe conforming to § 572.36(a) at 22 fps +/– 0.40 fps in accordance with paragraph (c) of this section, the thorax of a complete dummy assembly (78051-218, revision U, without shoes, shall resist with a force of 1242.5 pounds +/-82.5 pounds measured by the test probe and shall have a sternum displacement measured relative to spine of 2.68 inches +/ – 0.18 inches. The internal hysteresis in each impact shall be more than 69% but less than 85%. The force measured is the product of pendulum mass and deceleration.

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Issued on October 1, 1998.

Ricardo Martinez,

Administrator.

[FR Doc. 98-26795 Filed 10–6–98; 8:45 am]

BILLING CODE 4910–59–P